



OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

GARY A. WYCHE,

An Unlicensed, Unauthorized Individual.

No. 09-0076

ORDER TO CEASE
AND DESIST

Pursuant to RCW 48.02.080, RCW 48.17.063 and RCW 48.30.010, the Office of the Insurance Commissioner ("OIC") orders Gary A. Wyche to immediately cease and desist from:

- A. transacting the business of insurance, in the state of Washington and all other activities within the scope of the Insurance Code pursuant to RCW 48.01.020;
- B. acting or holding himself out to be an insurance agent, broker, solicitor, adjuster, or producer in the state of Washington; and
- C. soliciting to Washington residents any product requiring a license or other authorization under the Insurance Code, Title 48 RCW.

THIS ORDER IS BASED ON THE FOLLOWING:

1. Prior to March 15, 2006, Gary A. Wyche held an insurance agent's license issued by the OIC. On March 15, 2006, the OIC entered an Order Revoking License No. D 06-158, revoking Mr. Wyche's license. Pursuant to RCW 48.04, Mr. Wyche objected to the OIC's order and requested an administrative hearing. On September 28, 2006, Mr. Wyche consented to the entry of a second order, in which he agreed to voluntarily relinquish his Washington insurance agent's license and further agreed to no longer "engage in the business of insurance as set forth in the Insurance Code, RCW 48."
2. During at least two subsequent Washington insurance transactions, one in October of 2007 and one in late 2008, Mr. Wyche solicited American National Insurance Company's (hereinafter "ANICO") annuity products to at least one Washington consumer. The consumer executed an affidavit testifying that Mr. Wyche represented himself as an agent of ANICO.
3. On September 29, 2008, a Washington consumer tendered to Mr. Wyche a personal check in the amount of \$45,000, as payment for an ANICO annuity. The consumer wrote on

the check's payee line that the check was payable to "ANICO." Mr. Wyche did not send the check to ANICO. Without the consumer's authorization, Mr. Wyche altered the payee line to add the name of his limited liability company, "GW Enterprises LLC" (hereinafter "GWE"), then he deposited this check into his GWE account held with a Washington credit union.

4. On January 30, 2009, the consumer contacted ANICO and learned that no payment for the annuity had ever been received. The consumer drove to Mr. Wyche's office address and found the door blinds closed and the office empty. The consumer eventually located Mr. Wyche at his residence. The consumer confronted Mr. Wyche about the check and the annuity. Mr. Wyche said all records were in storage and that he would need to get back to the consumer. The consumer contacted Mr. Wyche's Washington credit union holding the GW Enterprises LLC account. The credit union confirmed Mr. Wyche definitely deposited the check. The credit union advised the consumer to contact the police, which the consumer did.

5. On February 6, 2009, the credit union's Loss Control Specialist, Kim Thompson, stated that she believes Mr. Wyche used the \$45,000 he deposited "for personal use."

6. On April 20, 2009, police went to Mr. Wyche's residence in connection with the aforementioned 2008 transaction. The police arrested and jailed Mr. Wyche. The Clark County Washington Prosecuting Attorney later filed in the Clark County Superior Court a six-count Information, alleging Mr. Wyche is guilty of the crimes of first degree theft (three counts), forgery, money laundering, and acting as an agent without a license.

Any violation of the terms of this Order by Respondents, their officers, directors, agents, or affiliates, will render the violator(s) subject to the full penalties authorized by RCW 48.02.080, and any other applicable law.

Respondents have the right to demand a hearing pursuant to chapters 48.04 and 34.05 RCW. This Order shall remain in effect subject to the further order of the Commissioner.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND IS ENTERED at Tumwater, Washington, this 23 day of July, 2009.

MIKE KREIDLER
Insurance Commissioner

By: 

Alan Michael Singer
Staff Attorney
Legal Affairs Division
Office of Insurance Commissioner
State of Washington

CERTIFICATE OF MAILING

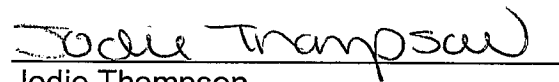
The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing ORDER TO CEASE AND DESIST on the following individuals in the manner indicated:

Gary A. Wyche
8028 NE 71st Loop
Vancouver, WA 98662
gary@gwenterprisesllc.com
gw@gwenterprisesllc.com

(XXX) Via U.S. Regular Mail
(XXX) Via U.S. Certified Mail
(XXX) Via Email

SIGNED this 23rd day of July, 2009, at Tumwater, Washington.



Jodie Thompson